



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q68895

Shinji YAMAMORI, et al.

Appln. No.: 10/092,591

Group Art Unit: 1743

Confirmation No.: 1085

Examiner: Monique T. COLE

Filed: March 8, 2002

For: SENSOR FOR MEASURING CARBON DIOXIDE IN RESPIRATORY GAS

RESPONSE UNDER 37 C.F.R. § 1.111

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated July 6, 2005, please consider the remarks as submitted herewith on the accompanying pages.

REMARKS

Claims 1-17 are all the claims pending in the application and have been rejected under § 102(b) as being anticipated by EP 1095269 (EP '269). This reference was cited in the Information Disclosure Statement submitted January 27, 2005. Applicants respectfully traverse this rejection.

Claim 1 recites a sensor which includes a "support member for supporting a light-emitting element and a light-receiving element which are disposed on a single optical axis so as to oppose each other". In the rejection, the Examiner completely ignores this limitation arguing instead that EP '269 discloses a device that includes a sensor, a support member and a